

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
MECHANICAL BOARD**

**1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room**

**Cranston, RI 02920**

**Wednesday, September 5, 2012**

**9:00am**

**In attendance: Dennis Brennan**

**Stanley Davies, Chair**

**Steven Gray**

**Bobby Joe Harris**

**Michael Januario**

**Jack King**

**Quinlan T. Regan**

**Charles Wright**

**Timothy Byrne, Robert Eva and Fred Foeri were not in attendance.**

**Also in attendance were E. Patrick Luther, Chief Plumbing Investigator, and Benjamin Copple, Legal Counsel.**

**1. - CALL TO ORDER: The meeting was called to order at 9:14am by Chairman, Stanley Davies.**

**2. - APPROVAL OF MINUTES FROM AUGUST 1, 2012 MEETING: A motion was made by Charles Wright to approve the minutes from the August 1, 2012 meeting as presented; seconded by Bobby Joe Harris and passed unanimously by the Board.**

**3. – Department Board Trainings: This item was addressed after the hearings. Benjamin Copple addressed the Board regarding the upcoming Board training scheduled for September 24, 2012 from 8:30am – 12:00pm. All Board members are encouraged to attend. Topics include conflicts of interest, Administrative Law and Robert’s Rules of Order, Open Meetings and Ethics.**

**4. – Conflict of Interest: Benjamin Copple reminded board members they are subject to the RI Code of Ethics.**

**5. - HEARINGS: Bryan Borzell, American Energy Savers, was not present at the start of the hearings. Hearings were conducted out of order.**

**Henry B. Manville, Jr. (Violation 4286): Henry B. Manville, Jr. and E. Patrick Luther, Chief Plumbing Investigator, are sworn in for testimony. E. Patrick Luther reads the violation.**

**June 29, 2012; Violation 4286**

**Name of Violator: Henry B. Manville, Jr, 75 S. Union St, Unit 302,**

**Pawtucket, RI 02860**

**Location of Violation: Washington Trust, 2174 Plainfield Pike  
Johnston, RI 02919**

**Violation: RIGL 28-27-5.1 Practices for which journeypersons or  
apprentice license required**

**On 6-19-2012, Anthony J. Vessella did have Henry B. Manville, Jr., 93  
Wolcott Rd Brookline MA 02467, working on the HVAC system at the  
above location. Mr. Manville does not have a RI License. This is a  
violation of the above referenced RI General Law.**

**E. Patrick Luther provides testimony and is questioned.**

**Henry B. Manville, Jr. provides testimony. Exhibits are entered into  
the record. Exhibit A: Email exchange between Mr. Manville and the  
Department (2 pages); Exhibit B: Letter dated 9/25/10 from Mr.  
Manville to the Department and a screenshot of the computer file  
properties (2 pages); Exhibit C: Letter dated 10/22/09 from Mr.  
Manville to the Department and a screenshot of the computer file  
properties (2 pages); and Exhibit D: Copies of four (4) bank  
Statements from Bank of America to RIDLT.**

**Charles Wright made a motion to table the hearing for a short time  
while the department researches the bank payments; seconded by  
Dennis Brennan and passed unanimously by the Board. The matter  
is tabled while research is conducted. Agenda Item 6 & 7 were**

**covered at this time.**

**The hearing resumes. Nassir Sultan, Implementation Aide for the Professional Regulations, is sworn in for testimony. Mr. Sultan provides testimony. The Board questions Mr. Sultan. Mr. Manville provides additional testimony.**

**Quinlan T. Regan made a motion that Violation 4286 did occur; that Mr. Manville was working without a license and cannot show that he had a license; seconded by Michael Januario and passed unanimously by the Board.**

**Quinlan T. Regan made a motion that the fine of \$500.00 be upheld. There is a discussion. The motion was seconded by Jack King. By a show of hands the vote was as three (3) in favor: Quinlan T. Regan, Jack King and Bobby Joe Harris and four (4) opposed: Dennis Brennan, Steven Gray, Michael Januario and Charles Wright. Motion failed.**

**Quinlan T. Regan made a motion to suspend the fine for one year pending no further violations; seconded by Bobby Joe Harris and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Bryan Borzell – American Energy Savers (Violation 4280): Bryan**

**Borzell arrived at approximately 9:48am. The hearing took place following the completion of the previous hearing. Bryan Borzell and E. Patrick Luther are sworn in for testimony. E. Patrick Luther reads the violation.**

**Date of Violation: 6/26/12; Violation # 4280**

**Name of Violator: Bryan J. Borzell, American Energy Savers, 128 Main St, Woonsocket, RI 02895**

**Location of Violation: Hall Residence, 1124 Great Rd Lincoln, RI**

**Violation: RIGL 28-27-5 Practices for which master or contractor license required and RIGL 28-27-20 State and municipal inspections and installation permits**

**On April 12, 2012, American Energy Savers did install a chimney liner at the above location. American Energy Savers is not licensed in RI and Bryan J. Borzell does not hold a RI Decorative Heating Appliance Limited License in RI. No permit was taken in the Town of Lincoln, RI for the installation. This is a violation of the above referenced RI General Laws.**

**As per RIGL 28-27-24 a \$1,000.00 fine was assessed.**

**E. Patrick Luther provides testimony and is questioned by the Board. Bryan Borzell provides testimony and is questioned by the Board.**

**Jack King made a motion that the violation did occur; seconded by**

**Quinlan T. Regan and passed unanimously by the Board.**

**Dennis Brennan made a motion that the requested fine of \$1,000.00 be upheld; seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Bryan Borzell – American Energy Savers (Violation 4281): Bryan Borzell and E. Patrick Luther were previously sworn in for testimony. Mr. Luther reads the violation.**

**Date of Violation: 6/26/12; Violation # 4281**

**Name of Violator: Bryan J. Borzell, American Energy Savers, 128 Main St, Woonsocket, RI 02895**

**Location of Violation: Dale Nicholson, 11 Parade Rd Warwick, RI 02886**

**Violation: RIGL 28-27-5 Practices for which master or contractor license required**

**On April 18, 2012, American Energy Savers did provide an estimate for a chimney liner at the above location. American Energy Savers is not licensed in RI and Bryan J. Borzell does not hold a RI Decorative Heating Appliance Limited license in RI. This is a violation of the above referenced RI General Law.**

**As per RIGL 28-27-24 a \$950.00 fine was assessed.**

**E. Patrick Luther provides testimony and is questioned by the Board.**

**Bryan Borzell provides testimony and is questioned by the Board.**

**Quinlan T. Regan made a motion that the violation did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Quinlan T. Regan made motion that the fine be suspended of one year; seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**End of hearings.**

**6. - Hassan Hasaba – Petition the Board to sit for the Pipefitter Journeyman 2 exam: (Agenda item heard out of sequence.) Hassan Hasaba had a license in Syria and is petitioning the Board to sit for the Pipefitter Journeyman 2 license based on his license in Syria. Mr. Hasaba addressed the Board. Mr. Hasaba has a Refrigeration Journeyman 2 license with the department. A translated copy of Mr. Hasaba's Syrian license is reviewed by the Board. Mr. Hasaba is questioned.**

**Charles Wright made a motion that Mr. Hasaba be allowed to sit for the Pipefitter Journeyman 2 exam; seconded by Michael Januario and passed unanimously by the Board.**

**Mr. Hasaba was advised to submit the Mechanical testing application along with copies of his documents from Syria.**

**7. - Steven M. Clift – Petition the Board to review application to sit for Refrigeration Journeyman 2 exam: (Agenda item heard out of sequence.) Pat Luther addressed the Board. Steven M. Clift is before the Mechanical Board requesting to be able to test for the Refrigeration Journeyman 2 test. Mr. Clift was previously before the State Apprenticeship Council requesting apprenticeship time served to test for the Refrigeration Journeyman 2 license. Mr. Luther reads a letter dated 8/28/12 from Bernard Trembl, III, Supervisor of State Apprenticeship, to the Mechanical Board. The State Apprenticeship Council did not grant the time as Mr. Clift was not registered in an indentured registered apprentice program and recommended he address the matter with the Mechanical Board. Steven M. Clift addressed the Board. Mr. Clift testifies he originally applied for the license under grandfather rights and was informed by Jimmy Allen, former Administrator, that he needed more experience and to come back and test. Mr. Clift is asking that the Board recognize that he has completed an apprenticeship but under different requirements that**



**Mr. Allen had made in 1980. Mr. Clift presents a copy of a check and a document from Mr. Allen to the Board for review. There is a discussion.**

**Bobby Joe Harris made a motion to allow Mr. Clift to sit for the Refrigeration Journeyman 2 test, that he has the experience and the time in; seconded by Charles Wright and passed unanimously by the Board.**

**\*\*OLD BUSINESS: Charles Wright addressed the Board regarding Old Business from the August meeting regarding item “Discussion of Pipefitter and Refrigeration Scope of Work, AKA Cooling Towers, Chilled Water” and what work can be done with which license. There is a discussion.**

**8. - ADJOURNMENT: A motion to adjourn was made by Charlie Wright; seconded by Bobby Joe Harris and passed unanimously by the Board.**

**The meeting adjourned at 10:36am.**

**The next meeting is scheduled for Wednesday, October 3, 2012 at 9:00am.**